

ORIGINAL

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

TOM FRANKLIN, PRO SE
PLAINTIFF

10-3912

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 20 2010 ★

BROOKLYN OFFICE

VS.

US BANK NATIONAL ASSOCIATION ET AL

DEFENDANTS

AMON, J.

BLOOM, M.J.

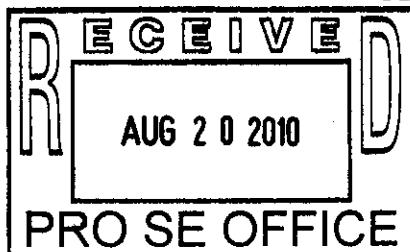
CIVIL CAUSE NUMBER: _____

CLASS ACTION COMPLAINT BASED UPON PREDATORY LENDING AND
MORTGAGE FRAUD

1. THIS IS A CIVIL ACTION SEEKING DAMAGES AGAINST THE
DEFENDANT FOR COMMITTING PREDATORY LENDING AND
MORTGAGE FRAUD.
2. THE COURT HAS JURISDICTION SEVERE VIOLATIONS OF
PREDATORY LENDING PRACTICES BY THE DEFENDANTS
AGAINST THE PLAINTIFF HAVE BEEN COMMITTED.
3. THE PLAINTIFF, RESIDES AT:

TOM FRANKLIN
5633 OAK GROVE Road N
FORT WORTH, TEXAS 76134

Federal Complaint



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4. DEFENDANT US BANK NATIONAL ASSOCIATION AND THEIR ADDRESS IS:

1251 Fourth Street

Sana Monica, California 90401

5. DEFENDANT ADDRESS IS HOMECOMING FINANCIAL NETWORK AND THEIR ADDRESS IS:

2711 N Haskell Ave
Dallas, TX 75204

6. DEFENDANT GMAC MORTGAGE , Their addresss is

P.O. Box 4622
Waterloo, IA 50704-4622

ALLEGATION 1

7. THE DEFENDANT IN AN ARBITRARY AND CAPRICIOUS WAY HAVE DENIEDTHE PLAINTIFF THE OPPORTUNITY TO OWN AND REFINACE HIS HOME BECAUSE OF PREDATORY LENDING POLICIES. THE DEFENDANTS HAVE ENGAGED IN A SCHEME TO DEFRAUD THE PLAINTIFF OUT OF HIS HOME FOR GREEDY AND SELFISH REASONS.

Specific Predatory Practices by the Defendants:

- a. A lender or investor tells you that they are your only chance of getting a loan or owning a home. You should be able to take your time to shop around and compare prices and houses.
- b. The house you are buying costs a lot more than other homes in the neighborhood, but isn't any bigger or better.

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- c. Plaintiffs are asked to sign a sales contract or loan documents that are blank or that contain information which is not true.
- d. Plaintiffs are told that the Federal Housing Administration insurance protects you against property defects or loan fraud - it does not.
- e. The cost or loan terms at closing are not what Plaintiffs agreed to.
- f. Plaintiffs are told that refinancing can solve your credit or money problems.
- g. Plaintiffs are told that you can only get a good deal on a home improvement if you finance it with a particular lender.

ALLEGATION 2

8. THE DEFENDANT IN A CONTINUOUS AND REPEATING MANNER HAS TRIED TO DESUADE THE PLAINTIFF FROM KEEPING HIS HOME BY CONDUCTING PREDATORY LENDING POLICES AGAINST HIM AND ET OTHER BLACK INDIVIDUAL HOME OWNERS.

ALLEGATION 3

9. THE DEFENDANTS ARE ALLEDGETO HAVE CONDUCTED THE FOLLOWING AGAINST THE PLAINTIFF DURING LOAN TRANSACTIONS:

A. ENGAGE IN A PATTERN OF DISCRIMINATORY CONDUCT- TARGARETING BORROWERS ON THE BASIS OF RACE, NATIONAL ORGIN, AGE AND GENDER-AND PROVIDED THOSE BORROWERS LESS FAVORITE TERMS IN LOANS CONTRACTS THAN WOULD BE PROVIDE BUT FOR THE BORROWERS RACE, NATIONAL ORGIN, AGE AND OR GENDER; FAILED TO PROVIDE REQUIRED DISCLOSURES, INCLUDING,

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THE STATUTORILY MANDATED NOTICE OF RIGHT TO CANCEL, AND FALSIFY INCOME STATED ON LOAN APPLICATIONS SO THAT THAT BORROWERS QUALIFY FOR LARGER LOANS THAN THEY ASK FOR AND CAN AFFORD; ENGAGE IN A BAIT AND SWITCH SCHEME, REPRESENTING TO BORROWERS THAT THEIR LOANS WILL HAVE CERTAIN TERMS AND CONDITIONS, THEN INDUCE BORROWERS TO SIGN MORTGAGE CONTRACTS CONSISTING OF FAVORABLE TERMS AND CONDITIONS, WHILE AT THE SAME TIME MISLEADING THE BORROWERS ABOUT THOSE TERMS AND CONDITIONS; AND WRONGFULLY INDUCE BORROWERS TO TAKE RESIDENTIAL MORTGAGES THAT SADDLE BORROWERS WITH PRINCIPLE AMOUNTS DEFENDANTS KNOW OR SHOULD KNOW THE BORROWERS INCOME CANNOT SUPPORT, AND THEN CHARGE THE BORROWERS UNDISCLOSED, UNJUSTIFIABLE HIGH ORIGATION FEES AND EXPENSES. Housing predatory tactics used by the defendants:

- a. Sell properties for much more than they are worth using false appraisals.
- b. Encourage borrowers to lie about their income, expenses, or cash available for down payments in order to get a loan.
- c. Knowingly lend more money than a borrower can afford to repay.
- d. Charge high interest rates to borrowers based on their race or national origin and not on their credit history.
- e. Charge fees for unnecessary or nonexistent products and services.

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- f. Pressure borrowers to accept higher-risk loans such as balloon loans, interest only payments, and steep pre-payment penalties.
- g. Target vulnerable borrowers to cash-out refinances offers when they know borrowers are in need of cash due to medical, unemployment or debt problems.
- h. "Strip" homeowners' equity from their homes by convincing them to refinance again and again when there is no benefit to the borrower.
- i. Use high pressure sales tactics to sell home improvements and then finance them at high interest rates.

ALLEGATION 4

10. THE DEFENDANTS IS PART OF A MORTGAGE DECEPTION AND PREDATORY LENDING SCHEME TO DEFRAUD THE PLAINTIFF OUT OF HIS OPPORTUNITY TO OWN A HOME. Over the last several years, our nation has made enormous progress in expanding access to capital for previously under served borrowers. Despite this progress, however, too many families are suffering today because of a growing incidence of abusive practices in a segment of the mortgage lending market. Predatory mortgage lending practices strip borrowers of home equity and threaten families with foreclosure, destabilizing the very communities that are beginning to enjoy the fruits of our nation's economic success.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests that this Court enter an award:

- (a) declaring the acts and practices complained of herein in violations of predatory lending and mortgage fraud acts and
- (b) enjoining and permanently restraining these violations of
- (c) directing defendants to take such affirmative action as is necessary to ensure that the effects of these unlawful predatory and mortgage fraud practices are eliminated and do not continue to effect plaintiff housing opportunities;
- (d) directing defendants to place plaintiff in the position he would be put in but for defendants' discriminatory and predatory lending treatment of him,' and to make his whole life better for all humiliation and frustration he would not have received but for defendants discriminatory and predatory treatment,
- (e) directing defendants to pay plaintiff punitive damages as provided by law
- (f) directing defendants to pay an additional amount to compensate plaintiff for the emotional distress defendants' unlawful conduct has caused plaintiff
- (g) awarding plaintiff such interest as is allowed by law;
- (h) granting such other further relief as the Court deems necessary and proper.
- (i) This is a class action committed against numerous plaintiffs

. Plaintiff has suffered significant damages and injuries on the part of the Defendants disparate actions such as:

TRIAL BY JURY:

JURY TRIAL REQUEST.

RELIEF REQUESTED

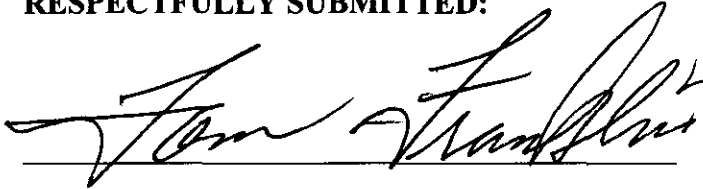
Federal Complaint

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PLAINTIFF SEEKS JUDGMENT AS FOLLOWS:

**A. DAMAGES IN THE AMOUNT OF \$10,000,000 FOR THE DECEIVING
THE PLAINTIFF.**

RESPECTFULLY SUBMITTED:

A handwritten signature in black ink, appearing to read "Tom Franklin", is written over a horizontal line.

TOM FRANKLIN, PRO SE

5633 OAK GROVE ROAD N.

FORT WORTH, TEXAS 76134